

JUL 27 2009
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____
DEPUTY CLERK

CIVIL ACTION NO.

.W09CA176

The Court has original jurisdiction of all civil actions, suits or proceedings commenced by the United States under 28 U.S.C. § 1345, and of an action for forfeiture under 28 U.S.C. § 1355(a). This Court has *in rem* jurisdiction over the Respondent Property under 28 U.S.C. §§ 1355(b) and 1395(a). The Court has venue of this action under 28 U.S.C. § 1395 and 28 U.S.C. § 1355(b)(1), because acts or omissions giving rise to the forfeiture occurred in this district.

II.

DESCRIPTION OF RESPONDENT PROPERTY

The Respondent Property located and situated at 3017 Orange Street, McAllen, Hidalgo County, Texas, with all buildings, appurtenances, and improvements thereon and any and all surface and sub-surface rights, title, and interests, if any, and being more particularly described as follows:

All that certain Parcel of land situated in City of McAllen being known as Lot Two (2), Section Two (2), Buena Vista Subdivision, Plat book 19, Page 13 and being more fully described in Instrument No. 490560, recorded on December 07, 1995 in Real Property records of Hidalgo County, Texas. RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY FOR ALL OF THE AFOREMENTIONED REAL PROPERTY: Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded instruments, other than liens and conveyances, that affect the property.

The above-described real property may hereinafter be referred to as the "Respondent Property."

III.

VALUE OF RESPONDENT PROPERTY

The Respondent Property has been appraised at approximately \$103,763.00.

IV.

VIOLATIONS

This civil forfeiture action *in rem* is brought for violations of 18 U.S.C. §§ 1956(a)(1), 1956(h), and 1957 and subject to forfeiture to the United States of America pursuant to 18 U.S.C. § 981(a)(1), which states:

§ 981(a)(1) Civil Forfeiture

(a)(1) The following property is subject to forfeiture to the United States:

(A) Any property, real or personal, involved in a transaction or attempted transaction in violation of section 1956, 1957 or 1960 of this title, or any property traceable to such property.

V.
BURDEN OF PROOF

At trial, the United States of America will establish by a preponderance of the evidence that the Respondent Property is subject to forfeiture and should be forfeited to the United States of America as alleged in the Verified Complaint for Forfeiture, pursuant to 18 U.S.C. § 983(c).

VI.
FACTS PERTINENT TO VIOLATIONS

See Appendix A, which is filed under seal.

VII.
PRAYER

That by virtue of the facts and circumstances supporting the seizure and forfeiture of the Respondent Property, as contained in the aforementioned actions, uses, and premises and/or intended actions, uses, and premises, the Respondent Property is in violation of 18 U.S.C. §§ 1956(a)(1), 1956(h), and 1957 and subject to forfeiture to the United States of America pursuant to 18 U.S.C. § 981(a)(1).

WHEREFORE, Petitioner, United States of America, prays as follows:

1. That notice issue according to the normal procedure of this Court. All persons asserting an interest in or claim against the Respondent Property who have received direct notice of the forfeiture action must file a verified claim with the Clerk of the United States District Court, Western District of Texas, Waco Division, pursuant to Rule G, Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Fed. R. Civ. P., **thirty-five (35)** days after the notice is received; or if notice was published but direct notice was not sent to the claimant or the claimant's attorney, a verified claim must be filed no later than **thirty (30)** days after final publication if the notice is published in a newspaper or **sixty (60)** days after the first day of publication on an official

Internet government forfeiture site. In addition, any person having filed such a claim shall also serve and file an answer to the complaint or a motion under Rule 12 within **twenty (20)** days after filing the claim.

2. That the United States Marshal Service for the Western District of Texas, or any other authorized law enforcement officer or any other person or organization authorized by law, shall post the Notice of Complaint for Forfeiture of Real Property against the Respondent Property, in accordance with 28 U.S.C. Rule E(4)(b) of the Supplemental Rules for Certain Admiralty and Maritime Claims, Fed. R. Civ. P., and 18 U.S.C. § 985(c)(1)(B), by affixing a copy of the Notice of Complaint for Forfeiture of Real Property in this action, in a conspicuous place upon the premises and, if applicable, by leaving copies of the Notice of Complaint for Forfeiture of Real Property and accompanying documents with the occupant of the premises, if any;

3. That the United States Marshal Service for the Western District of Texas be granted authority by the Court, upon arrest of the Respondent Property, to designate any other authorized law enforcement agency or any other authorized person or organization to act as substitute custodian of the Respondent Property;

4. That Judgment of Forfeiture be decreed against the Respondent Property;

5. That upon Final Decree of Forfeiture, the United States Marshal Service for the Western District of Texas shall dispose of the Respondent Property in accordance with law; and

6. For costs and for such other and further relief as this Court may deem just and proper, together with the costs and disbursements of this action.

Respectfully submitted,

John E. Murphy
Acting United States Attorney

By:

A handwritten signature in dark ink, appearing to read "Jennifer S. Freel", is written over a horizontal line.

Jennifer S. Freel
Assistant United States Attorney
816 Congress Avenue, Suite 1000
Austin, Texas 78701
Tel: (512) 916-5858
Fax: (512) 916-5855
Texas Bar No. 24051327

VERIFICATION

STATE OF TEXAS)
)
COUNTY OF MCLENNAN)

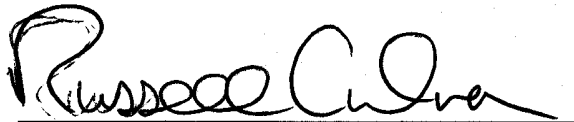
Russell Culver declares and says that:

1. I am a Special Agent with the Drug Enforcement Administration, Waco Division Office, and am the investigative agent responsible for the accuracy of the information provided in this litigation;

2. I have read the above Verified Complaint for Forfeiture and know the contents thereof; the information contained in the Complaint has been furnished by official government sources; and based on information and belief, the allegations contained in the Verified Complaint are true.

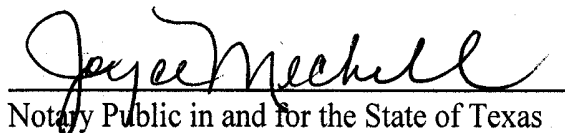
I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 27th day of July, 2009.

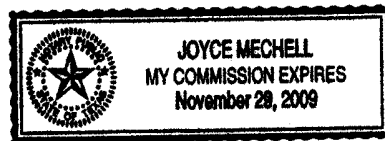


Russell Culver, Special Agent
Drug Enforcement Administration
Waco Division Office

Subscribed and sworn to before me on this 27th day of July, 2009.


Notary Public in and for the State of Texas

My Commission Expires: 11/29/09



CIVIL COVER SHEET

W09CA176

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Jennifer S. Frael (512) 916-5858

816 Congress Ave., #1000, Austin, Texas 78701

DEFENDANTS

Real Property Located and Situated at 3017 Orange Street,
McAllen, Hidalgo County, TexasCounty of Residence of First Listed Defendant Hidalgo County

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

☒ 1 U.S. Government
Plaintiff☐ 3 Federal Question
(U.S. Government Not a Party)☐ 2 U.S. Government
Defendant☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(Place an "X" in One Box for Plaintiff
and One Box for Defendant)Citizen of This State ☐ 1 ☐ 1Incorporated or Principal Place
of Business in This State ☐ 4 ☐ 4Citizen of Another State ☐ 2 ☐ 2Incorporated and Principal Place
of Business in Another State ☐ 5 ☐ 5Citizen or Subject of a
Foreign Country ☐ 3 ☐ 3Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT

(Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airlines Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input checked="" type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 FICA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DTWC/DTWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (403(g)) FEDERAL TAXES <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609	<input type="checkbox"/> 400 State Responsonment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 430 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

18 U.S.C. 1956(a)(1), 1956(h), 1957 & 18 U.S.C. 981(a)(1)(A)

Brief description of cause.

Money Laundering

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE SmithDOCKET NUMBER 08-CR-04

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE